

Summary Minutes of the
Delta Protection Commission Meeting
Thursday, October 28, 2010

City of Isleton – Community Center
208 Jackson Blvd.
Isleton, California 95641

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute.

Chair Nottoli called the meeting to order at 5:40 p.m.

2. Welcome Commission Members.

Chair Nottoli welcomed Commissioners and guests to the meeting.

3. Roll Call.

Present: Chair Nottoli; Commissioners Albright, Bugsch, Cabaldon, Eggman, Ferguson, Goulart (alternate for Piepho) McGowan, Pegos, Reagan, Ruhstaller, Snow, van Loben Sels and Vick.

Absent: Commissioner Scriven.

4. Public Comment. Opportunity for Members of the Public to Address the Commission on Items Not on the Agenda.

No one addressed the Commission.

CONSENT AGENDA Items 5-6)

5. Approve Minutes of September 23, 2010 Meeting.

6. Receive Informational Update on the Lower Yolo Bypass Planning Forum Co-Sponsored by the Commission and the Yolo Basin Foundation.

Vice Chair Reagan moved approval of the Consent Agenda; Commissioner Albright seconded. The Consent Agenda was approved unanimously by voice vote.

7. Discuss Preparation of Primary Zone Study Recommendations Pursuant to Provisions of SBX7-1.

Doug Brown, Douglas Environmental reported that SBX7-1 mandated the Commission to review and evaluate the legal Delta. Mr. Brown said that while there was no mandate in the Legislation on an approach to be taken or recommendation to be made in the study, some type of change to the legal boundary would be the best option to be presented to the Legislature. He said the focus of the study was on protecting and enhancing wildlife, agriculture, and recreation resources; and whether or not it was appropriate to change the boundaries in order to enhance those resources.

Recommendations include keeping the South Delta in the Secondary Zone, and placing the entire City of Rio Vista into the Secondary Zone. Mr. Brown announced that a second round of public workshops are scheduled for early November and it was anticipated that the final report would be reviewed by the Committee in late November and presented and approved by the Commission in December.

Chair Nottoli asked if homeowners in the Thornton area would be notified of the public meetings. Mr. Brown responded that residents in Thornton who receive a tax bill were notified of the meeting by postcard.

Commissioner McGowan asked what would be the impact on placing lands in the Secondary Zone. He said that any criteria applied to the City of Isleton must be applied to the other legacy towns. He further said that none of the legacy towns should be in the Primary Zone and those legacy towns that cannot function in the Primary Zone should be managed by the State.

Commissioner Cabaldon stated that the Commission is trying to apply a different standard now in the Primary Zone and it is the wrong test for application. He said the Commission should be cautious of applying a heavy filter of what lands should go into the Primary Zone. He also said that legacy towns should not be in the Primary Zone and the legal Delta should be comprised of four zones – Primary Zone; Primary Zone for Legacy Towns; Secondary Zone and Tertiary Zones.

Commissioner Albright noted that with all the requests to add or remove lands to/from the Primary Zone, the Primary Zone Study Committee made practical decisions to stay focused on the study areas and tried to keep timeframe.

Commissioner Goulart asked if there was some kind of legal opinion of what it would mean for a community, the Commission, and the Delta Council regarding land use oversight when putting communities into the Primary Zone. She said that doing a Primary Zone Study before an Economic Sustainability Study is putting the cart before the horse as the Primary Zone Study would have to be reconsidered once the information from the Economic Sustainability study is released. Matt Campbell, Office of the Attorney General, responded that Commissioner Goulart's questions were hypothetical and too broad, and because of other factors the questions could not be answered.

Commissioner van Loben Sels asked why Bethel Island was not located in the Primary Zone. Commissioner Goulart responded that Bethel Island is within the Contra Costa County Urban limit line; however, there has not been much development on the Island. She also stated that Contra Costa County would like to be placed in the Secondary Zone.

Commissioner Snow stated that all work to date on the study should move forward. He said that while the legacy towns' discussion should be held, there should be a white paper on the subject, and the Commission should lay out the terms as to how it would manage the Delta.

Public Comments

Mark Wilson, Clarksburg stated that he was hopeful that any type of policy discussion reached outside of the legacy towns as crops have changed over time.

Joshua Stark said that more public interaction was needed; in addition, maps with a general outline of what needs to be done should be present at all meetings.

Bill Geyer, Resources Landowners Coalition, said that attention should be paid to the consequences of resource rich, government involved lands in the Primary Zone and that the Commission should consider making it possible for landowners to propose lands for inclusion into the Primary Zone after having a finished document.

8. Discuss Preparation of Economic Sustainability Plan Framework Pursuant to Provisions of SBX7-1.

Mr. Machado reported that the first round of public meetings on the Economic Sustainability Plan had been conducted throughout the Delta and a second round was being scheduled. Additionally, Phase II of the project would be to put together and disseminating a Request for Proposal.

Commissioner van Loben Sels asked why the global demand for food was left off the draft framework. Mr. Kowta, BAE Consulting responded that the information was macro/micro economics.

Commissioner Cabaldon stated that land use/transportation planning are important to sustainable community plans. He suggested that the Executive Director engage with communities so that the Delta's view is reflected in their sustainable community plans. Mr. Machado responded that Commission staff would be convening a workshop of economic development entities at the University of the Pacific to discuss qualitative vs. quantitative assessment of the economic sustainability of the Delta.

9. Discuss Presentations Facilitated by Commission Staff – Consulting Team Relative to the National Heritage Area (NHA) Process Under Pursuant to Provisions of SBX7-1.

Dr. Bill Eisenstein, Eisenstein Consulting, gave an overview of the NHA. He said that Phase I of the process included a dialogue and listening session with the public, and interviews with Delta stakeholders. The next step is for the Commission to prepare the management plan.

Chair Nottoli asked if the five years for completion of the management was enough time. Dr. Eisenstein responded that the management plan should take about two years to complete, therefore the five year timetable is generous.

Commissioner Vick asked if there had been public participation in the process, in light of the fact that federal legislation subverts buy in from residents. Dr. Eisenstein responded that public concerns are well represented in the process and steps will be taken to those who express concerns in the spirit of the NHA.

Commissioner Goulart asked if the Delta and Federal NHAs could be integrated to minimize confusion. Dr. Eisenstein responded yes.

10. Report on Process to Appoint Members to the Delta Protection Advisory Committee (DPAC) Consistent with the charter Adopted by the Commission on August 26, 2010.

Mr. Machado reported that staff sent out letters to various governmental groups and organizations and circulated a press release among the general public soliciting representation on the DPAC. The final filing date for applications is November 20, 2010.

Commissioner Pegos asked how many applications had been received. Mr. Machado responded none had been received to date. Commissioner Pegos also asked that all Commissioners circulate the application to help the process along.

11. Receive Report From the Executive Committee and Executive Director, Including Informational Updates on Delta Stewardship Council and Delta Conservancy Activities, and Other Delta Initiatives and Commission Activities Underway, and Act on Recommendations Pursuant to Commission Member Discussion, if Determined Timely.

Mr. Machado reported that with the increased funding for the Commission, the office would be hiring more staffing. Additionally, Commission staff met with the State Lands Commission to discuss extension of the administrative services contract for another six months.

Chair Nottoli announced that the Notice of Preparation for the Delta Plan would be released in January 2011.

Commissioner Pegos asked if the Department of Parks and Recreation is request for \$300,000 to help with the Delta Plan was approved. Chair Nottoli responded he did not know.

12. Discuss and If Necessary, Adopt Revised 2010 Commission Meeting Calendar

Mike Machado announced that due to the amount of work necessary on the Primary Zone and Economic Sustainability studies, there would be no November meeting.

13. Comments and Announcements from Members of the Commission and Staff

Commission Albright announced that this might be his last meeting.

14. ADJOURN

The meeting was adjourned at 8:30 p.m.